

REMARKS

By the foregoing amendment, Claim 40 has been amended. Favorable reconsideration of the application is respectfully requested.

Claims 40-42 were rejected under 35 U.S.C. 102(e) on the grounds of anticipation by Rhee. The Examiner cited Rhee as disclosing an extendible perimeter assembly of link members (20,50) each including a plurality of pairs of link members (51, 52; 20A, 20B). The pairs of link members (51, 52; 20A, 20B) are not identified in Fig. 7C, but the Examiner provided an annotated copy of Fig. 7C to which the Examiner referred as showing opposing sides (50) of a shelter having a pair of link members (A,B) identified in the annotated copy of Fig. 7C in the Office Action. The Examiner further indicated that each pair of link members (A or B), shown in the annotated copy of Fig. 7C a connected between adjacent legs and a center (F), include a first link member (a) having an outer end pivotally connected to a slider member (32) at the upper end of the leg (10), and the second link member formed by two hinged parts (b and c) having an outer end (of b) pivotally connected to the upper end of the leg (10), and the second link member (b and c) having a dimension longer than the first link member (a). The Examiner further indicated that "both inner ends of the second link members are connected at a position (F)." The Examiner further indicated that the second link member formed by the two hinged parts (b and c) are longer than the first link member (a) such that the connected inner ends of the second link members (b and c) at position (F) extend above the upper ends of the legs to provide a raised portion at each opposing side (50) to form a gabled

configuration when the shelter is fully extended. The Examiner further cited Fig. 8 of Rhee as showing the connections of the inner ends of link members extending above the upper ends of the legs, and a cover inherently disposed over the legs and perimeter assembly of link members.

The Examiner acknowledged that link members (20,50) each include a plurality of pairs of link members (51, 52; 20A, 20B). At column 4, line 42, to column 5, line 65, Rhee discloses that the second link member 50 is formed of short rod members 51 and long rod members 52 that can be combined to have an ascending structure as shown in Figs. 4A, 6A, 7A-D and 8. However, in each case of such an ascending structure, the second link member 50 is formed of pairs of link members (A, B), each of which is formed of two pairs of link members (identified by the Examiner as "a," and "b-c"). Fig. 8 more clearly shows first and second pivotally connected pairs of link members corresponding to the Examiner's link members (A) and first and second pivotally connected pairs of link members corresponding to the Examiner's link members (B), for a total of four pairs of link members on each side (50).

Claim 41 has been amended to recite at least one of the sides of the shelter being formed by "an assembly of only two pairs first and second link members of said pairs of link members," and "said first link members having inner ends directly connected together, and said second link members having inner ends directly connected together." It is respectfully submitted that Rhee does not teach, disclose or suggest an assembly of only two pairs first and second link members on a side, with the first link members having inner ends directly connected together, and the longer second link members

having inner ends directly connected together, with the connected inner ends of the pairs of first link members and the connected inner ends of the pairs of the longer second link members extending above the upper ends of the legs when the shelter is in an extended configuration, as is claimed. It is therefore respectfully submitted that Claims 40-42 are novel and inventive over Rhee, and that the rejection of Claims 40-42 on the grounds of anticipation by Rhee should be withdrawn.

In light of the foregoing remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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